

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JASON ZIMMERMAN**, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

**PORTFOLIO RECOVERY  
ASSOCIATES, LLC**,

Defendant.

CASE NO. 09-cv-04602-PGG

CLASS ACTION

**DECLARATION OF DONALD S. MAURICE, JR.**

Donald S. Maurice, Jr., of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New York and an attorney with the law firm of Maurice & Needleman, P.C., attorneys for the Defendant Portfolio Recovery Associates, LLC (“PRA”).
2. On May 16, 2013, I caused to be accessed the PACER U.S. Party Case Index available at <https://pacer.login.uscourts.gov/cgi-bin/login.pl?appurl=https://pcl.uscourts.gov/search>.
3. At that time I performed a search for all cases in which Sergei Lemberg appeared as counsel in a federal court case.
4. The earliest case I located concerning a claim made under 15 U.S.C. §§ 1692 et seq. in which Sergei Lemberg appeared as an attorney was August 21, 2008 and the earliest complaint filed under any area of law in federal court was filed on November 14, 2006.
5. Attached hereto as Exhibit “A” are true copies of portions of the transcript of the Deposition of Catherine Hedgeman, showing her deposition commenced at 10:10 a.m. on March 9, 2010 and ended at 3:42 p.m. that same day.

6. As evidenced by the transcript, I defended the deposition and a one-hour lunch-break was taken during the deposition.

7. Attached hereto as Exhibit "B" are true copies of portions of the transcript of the Deposition of Ralph Mesisco, showing his continued deposition commenced at 9:00 a.m. on March 10, 2010 and ended at 11:52 a.m. that same day.

8. As evidenced by the transcript, I defended the deposition.

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Donald S. Maurice, Jr.  
Donald S. Maurice, Jr.

Dated: May 17, 2013

# EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3  
4 JASON ZIMMERMAN, on behalf of )  
himself and all others similarly )  
5 situated, )

6 Plaintiff, )

7 v. ) Civil Action No.

) 09-CV-04602-SCR

8 PORTFOLIO RECOVERY ASSOCIATES, )  
LLC, )

9 Defendants. )

10  
11  
12  
13 DEPOSITION UPON ORAL EXAMINATION OF

14 CATHERINE HEDGEMAN

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 NORFOLK, VIRGINIA

17 March 9, 2010  
18  
19  
20  
21  
22  
23  
24  
25

Catherine Hedgeman

Appearances:

LEMBERG & ASSOCIATES, LLC  
By: SUSAN SCHNEIDERMAN, ESQUIRE  
1100 Summer Street  
Stamford, Connecticut 06905  
sschneiderman@lemborglaw.com  
203.653.2250  
Counsel for Plaintiff

MAURICE & NEEDLEMAN, PC  
By: DONALD S. MAURICE, ESQUIRE  
5 Walter E. Foran Boulevard  
Flemington, New Jersey 08822  
dsm@mnlawpc.com  
908.237.4570  
Counsel for Defendants

Also Present:

PORTFOLIO RECOVERY ASSOCIATES, INC.  
By: CHRISTOPHER D. LAGOW, ESQUIRE  
KEVIN M. DUFFAN, ESQUIRE  
140 Corporate Boulevard  
Norfolk, Virginia 23502  
clagow@portfoliorecovery.com  
keduffan@portfoliorecovery.com  
757.961.3519

## I N D E X

DEPONENT	PAGE
CATHERINE HEDGEMAN	
Examination by Ms. Schneiderman	4
Examination by Mr. Maurice	151
Further Examination by Ms. Schneiderman	165

## E X H I B I T S

NO.	DESCRIPTION	PAGE
1	List - PRA Litigation Department employees	34
2	Screen Captures	46
3	4/15/09 Letter	82
4	Draft Summons/Complaint	85
5	Zip Code Listing	118
6	Spreadsheet	124
7	Responses to Requests for Production	129
8	Answers to Interrogatories	149
9	10/23/07 Letter	162

1                   So at any given time, there's only --  
2                   there's two notes on here by me in particular, but  
3                   that means, minimum, I reviewed this twice. I could  
4                   have reviewed this for different reasons several  
5                   times, but that's not our practice to note the account  
6                   every time we touch it.

7                   MS. SCHNEIDERMAN: No further questions.

8                   MR. MAURICE: I'm done. Thanks.

9                   (The witness will read and sign)

10                  (Whereupon, the deposition concluded at  
11                  3:42 p.m.)

# EXHIBIT B



1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3  
4 JASON ZIMMERMAN, on behalf of )  
himself and all others similarly )  
5 situated, )  
 )  
6 Plaintiff, )  
 )  
7 v. ) Civil Action No.  
 ) 09-CV-04602-SCR  
8 PORTFOLIO RECOVERY ASSOCIATES, )  
LLC, )  
9 )  
Defendants. )

10  
11  
12  
13 CONTINUED DEPOSITION UPON ORAL EXAMINATION OF

14 RALPH MESISCO

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 NORFOLK, VIRGINIA

17 March 10, 2010  
18 Volume II  
19  
20  
21  
22  
23  
24  
25

1      Appearances:

2  
3                    LEMBERG & ASSOCIATES, LLC  
4      By:    SUSAN SCHNEIDERMAN, ESQUIRE  
5                    1100 Summer Street  
6                    Stamford, Connecticut 06905  
7                    sschneiderman@lemborglaw.com  
8                    203.653.2250  
9                    Counsel for Plaintiff

10                   MAURICE & NEEDLEMAN, PC  
11      By:    DONALD S. MAURICE, ESQUIRE  
12                   5 Walter E. Foran Boulevard  
13                   Flemington, New Jersey 08822  
14                   dsm@mnlawpc.com  
15                   908.237.4570  
16                   Counsel for Defendants

17      Also Present:

18                   PORTFOLIO RECOVERY ASSOCIATES, INC.  
19      By:    CHRISTOPHER D. LAGOW, ESQUIRE  
20                   KEVIN M. DUFFAN, ESQUIRE  
21                   140 Corporate Boulevard  
22                   Norfolk, Virginia 23502  
23                   clagow@portfoliorecovery.com  
24                   keduffan@portfoliorecovery.com  
25                   757.961.3519

## I N D E X

DEPONENT

PAGE

RALPH MESISCO

Continued examination by Ms. Schneiderman	61
Examination by Mr. Maurice	137
Further examination by Ms. Schneiderman	142

## E X H I B I T S

NO. DESCRIPTION

PAGE

2	Defendant's Responses to Plaintiff's First Request for Admission of the Truth of Matters and the Genuineness of Documents	112
---	---	-----

Continued deposition upon oral examination of RALPH MESISCO, taken on behalf of the Plaintiff, before Kerry E. Zahn, Registered Merit Reporter, Certified Realtime Reporter, a Notary Public for the Commonwealth of Virginia at large, taken pursuant to notice, commencing at 9 a.m. on March 10, 2010, at the offices of Zahn Court Reporting, 208 East Plume Street, Suite 306, Norfolk, Virginia.

RALPH MESISCO was sworn and deposed on behalf of the Plaintiff as follows:

CONTINUED EXAMINATION

BY MS. SCHNEIDERMAN:

Q. Good morning.

A. Good morning.

Q. How are you feeling this morning?

A. Fine.

Q. Do you remember the instructions that we went over yesterday?

A. I do.

Q. Okay. Any questions concerning the procedures we're going to follow? This is your one opportunity to ask a question.

A. No.

1           A.       Yes.

2           Q.       Did that trip relate specifically to  
3 this lawsuit?

4           A.       No.

5                   MS. SCHNEIDERMAN: I have nothing  
6 further.

7                   MR. MAURICE: Good. We're done.

8                   (Whereupon, the deposition was  
9 concluded at 11:52 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25